



Entered on Docket
September 15, 2009

A handwritten signature in dark ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES
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America's Servicing Company
09-74230 / 1205012382

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Carlos Yanez

BK-S-07-18273-mkn

MS Motion No.

Date: 9/9/09

Time:

Chapter 13

Debtors.

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-
2 petition arrearages currently due as follows:

3 2 Monthly Payments at \$746.44	\$1,492.88
(June 1, 2009-July 1, 2009)	
4 1 Monthly Payment at \$735.65	\$ 735.65
(August 1, 2009)	
5 3 Late Charges at \$28.58 each	\$ 85.74
(May 16, 2009-July 16, 2009)	
6 Suspense	(\$ 18.00)
7 Motion Filing Fee	\$ 150.00
8 Attorneys Fees	<u>\$ 750.00</u>
Total Arrearages	\$3,196.27

9
10 The above arrearage shall be paid in six (6) monthly installments of \$532.71. These payments
11 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month
12 commencing with the August 20, 2009 payment and continuing throughout and concluding on or before
13 January 20, 2010.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
15 Debtors at least five business days' notice of the time, place and date of sale.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and
17 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
18 with the September 1, 2009 payment, on Secured Creditor's Trust obligation, encumbering the subject
19 Property, generally described as 2305 Toiyabe St. , Las Vegas, NV 89156, and legally described as
20 follows:

21 Lot Thirteen (13) in Block Fourteen (14) of SUNRISE TRAILER ESTATES UNIT NO. 6-B, as
22 shown by Map thereof on file in Book 12 of Plats, page 45, in the office of the County Recorder of Clark
County, Nevada.

23 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
24 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's
25 Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon
26 Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each
such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be

1 paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure
2 the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
3 Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the
4 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
5 possession thereof.

6
7 Submitted by:

8 WILDE & ASSOCIATES

9
10 By  #10235

11 GREGORY L. WILDE, ESQ.
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15 APPROVED AS TO FORM & CONTENT:

16 Kathleen A Leavitt

17 By 

18 Kathleen A Leavitt
19 Chapter 13 Trustee
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22 David M. Crosby, Esq.

23 By  für

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